



February 20, 2001

SENATE BILL No. 221

DIGEST OF SB 221 (Updated February 16, 2001 10:49 am - DI je)

Citations Affected: IC 34-18.

Synopsis: Makes changes to the amount of the penalty that must be paid by an insurer for the late filing of a proof of financial responsibility under the medical malpractice act. Requires a health care provider to pay a specified penalty for the late filing of a proof of financial responsibility under the medical malpractice act.

Effective: Upon passage.

Miller

January 9, 2001, read first time and referred to Committee on Rules and Legislative Procedure.
February 19, 2001, amended; reassigned to Committee on Judiciary.

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SB 221—LS 6727/DI 13+



February 20, 2001

First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

SENATE BILL No. 221

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-18-3-5, AS AMENDED BY P.L.1-1999,
2 SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 5. (a) Except as provided in subsection (b),
4 the receipt of proof of financial responsibility and the surcharge
5 constitutes compliance with section 2 of this chapter:

6 (1) as of the date on which they are received; or

7 (2) as of the effective date of the policy;

8 if this proof is filed with and the surcharge paid to the department of
9 insurance not later than ninety (90) days after the effective date of the
10 insurance policy.

11 (b) If an insurer **or health care provider** files proof of financial
12 responsibility and makes payment of the surcharge to the department
13 of insurance at least ninety-one (91) days but not more than ~~one~~
14 ~~hundred eighty (180)~~ **seven hundred forty (740)** days after the policy
15 effective date, the health care provider is in compliance with section 2
16 of this chapter. ~~if the insurer demonstrates to the satisfaction of the~~
17 ~~commissioner that the insurer:~~

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(1) received the premium and surcharge in a timely manner; and

(2) erred in transmitting the surcharge in a timely manner.

(c) If the commissioner accepts a filing as timely under subsection (b), The filing must, in addition to any penalties under IC 34-18-5-3, be accompanied by a penalty amount as follows:

(1) Ten percent (10%) of the surcharge, if the proof of financial responsibility and surcharge are received by the commissioner at least ninety-one (91) days and not more than one hundred ~~twenty~~ **eighty (180)** days after the original effective date of the policy.

(2) Twenty percent (20%) of the surcharge, if the proof of financial responsibility and surcharge are received by the commissioner at least one hundred ~~twenty-one (121)~~ **eighty-one (181)** days and not more than ~~one hundred fifty (150)~~ **two hundred seventy (270)** days after the original effective date of the policy.

(3) Fifty percent (50%) of the surcharge, if the proof of financial responsibility and surcharge are received by the commissioner at least ~~one hundred fifty-one (151)~~ **two hundred seventy-one (271)** days and not more than ~~one hundred eighty (180)~~ **three hundred sixty (360)** days after the original effective date of the policy.

(4) Seventy-five percent (75%) of the surcharge, if the proof of financial responsibility and surcharge are received by the commissioner at least three hundred sixty-one (361) days and not more than four hundred fifty (450) days after the original effective date of the policy.

(5) One hundred percent (100%) of the surcharge, if the proof of financial responsibility and surcharge are received by the commissioner at least four hundred fifty-one (451) days and not more than five hundred forty (540) days after the original effective date of the policy.

(6) One hundred twenty-five percent (125%) of the surcharge, if the proof of financial responsibility and surcharge are received by the commissioner at least five hundred forty-one (541) days and not more than six hundred thirty (630) days after the original effective date of the policy.

(7) One hundred fifty percent (150%) of the surcharge, if the proof of financial responsibility and surcharge are received by the commissioner at least six hundred thirty-one (631) days and not more than seven hundred thirty (730) days after the original effective date of the policy.

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1 **SECTION 2. An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 221, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill be reassigned to the Senate Committee on Judiciary.

(Reference is to SB 221 as introduced.)

GARTON, Chairperson

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